

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOMSHALYNN HARDIN,

Defendant.

ORDER

06-CR-208-S-2


On January 16, 2008, the court convened what was scheduled to be an evidentiary hearing on the question whether Tomshalynn Hardin could be restored to competency. Hardin was not present, but was represented by her attorney, William Jones. The government was represented by Assistant United States Attorney Meredith Duchemin.

At the outset of the hearing, the government announced that it had just learned from Dr. Leslie J. Powers at FMC-Carswell, that in Dr. Powers's opinion, Hardin now was competent to stand trial. This obviated the need for the scheduled hearing. At this point, we must await Hardin's return to this district for Attorney Jones and his expert to meet with and perform their own evaluation of Hardin to determine how they wish to proceed. To assist in any future competency hearing, Dr. Powers is to submit a supplemental report to the court providing the foundation for her new opinion. This includes affidavits or reports from those with first-hand knowledge of Hardin's behavioral improvement at the FMC.

The U.S. Marshal Service is directed to retrieve Hardin from FMC-Carswell and return her to this district for further proceedings.

Entered this 16th day of January, 2008.

BY THE COURT:


STEPHEN L. CROCKER
Magistrate Judge

Copy of this document has been
provided to Duchemin,
Jones, and USMS
this document is
by Crocker
C. L. North, Clerk of Court
Magistrate Judge Crocker